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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,246	09/21/2000	Mark T. Anders	MS146917.1	8956

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,246

Applicant(s)

ANDERS ET AL.

Examiner

Yasin M Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 12, 2004 has been entered.

Response to Amendment

2. The amendment filed on April 15, 2004 has been fully considered but are moot in view of the new ground(s) of rejection.

- Claims 1 and 26 have been cancelled.
- Claims 2-11, 13-16, 18, 21-22 and 25 have been amended
- Claims 2-25 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 22 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- In claim 25, line 7 `` concurrently servicing respective portions of the request''.
- In claim 22, line 3 `` concurrently retrieving the respective portions of the application from local and remote storage medium''. Examiner could not find supporting evidence in the specification regarding the above limitations, particularly where the act of servicing or retrieving takes place at the local and remote storage at the same time (concurrently).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holland et al (hereinafter ``Holland'') US (6507867) in view of Gauvin et al (hereinafter ``Gauvin'') USPN. (5991760) and further in view of Franco et al (hereinafter ``Franco'') USPN. (6687745).

As per claim 2 Holland et al teach the invention, wherein core application functionality is preserved between the client and the server [col. 9, lines 2-25 and col. 12, lines 17-54].

As per claim 3 and 11, Holland et al teach an architecture and a system for executing and processing networked-based applications, comprising:

a presentation tier for interacting with a networked-based application at a client that is loaded via local portable storage and a server (col. 5, line 38-60; col. 6, lines 48-60 and col. 8,

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lines 38-67];

a mobile tier operatively coupled to the presentation tier, the mobile tier (executable code) providing for executing at least a portion of the networked-based application [Col. 8, lines 39-67 and Col. 9, lines 1-52; Col. 12, lines 17-61]; and

a guarded tier operatively coupled to at least one of the mobile tier and presentation tier, the guarded tier providing for executing remaining portions of the network-based application at the server [fig. 4a, col. 6, lines 22-47 and Col. 9, lines 3-14].

Claim 3, regarding the limitation, a second component that identifies the relevant portion of the application logic and download the relevant portion from the local storage medium and a server to the client to service the local request [see Holland et al col. 6, lines 22-47 and col. 11, lines 35 to col. 12, line 54].

Although Holland et al shows substantial features of the claimed invention, he does not explicitly show an application logic that is mapped to local request at a client.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Holland et al, as evidenced by Gauvin et al USPN. (5991760).

In analogous art, Gauvin et al, whose invention is about a local client with a local hypertext server, a local application program, and a downloader for downloading a copy of a remote network document (local copy), that is accessible by the local

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application program, onto the client computer. When disconnected, the local copy may be accessed and modified through the client browser in a manner that is similar to when the client is connected to the network, discloses an application logic that is mapped to local request at a client [Col. 5, lines 41-67 and col. 7, line 25 to col. 8, line 5].

Giving the teaching of Gauvin et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Holland et al by employing the system of Gauvin et al so that clients may access and manipulate copy of the application locally with a client browser while disconnected from the network [Col. 6, lines 35-57 and abstract].

Claim 3, regarding the limitation of a third component, although Holland and Gauvin show substantial features of the claimed invention as explained above, they do not explicitly show a security system that grants access permission to the downloaded portions based on a policy residing on the client.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Holland and Gauvin, as evidenced by Franco USPN. (6687745).

In analogous art, Franco, whose invention is about a system for delivering interactive links to applications and information stored in remote sources of a network, discloses a security system that grants (authorized users) access permission to the

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downloaded portions (secure droplet-enabled applications and/ or information) based on a policy residing on the client (based on user's account and password) [col. 26, lines 38-65 and col. 27, lines 52 to col. 28, line 24]. Giving the teaching of Franco, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Holland and Gauvin by employing the system of Franco in order to secure data and applications residing on a network system so that only authorized users are allowed to access them.

Franco further teaches that the access permission is at least one of a local and a remote permission that facilitates ensuring the downloaded portions are secure [col. 23, lines 63 to col. 24, line 26 and Col. 27, lines 52 to col. 28, line 24].

As per claim 4, Holland et al teach the invention as explained above, the local storage medium comprises a CD or floppy disk [Col. 8, lines 39-55].

As per claim 5, Holland et al teach the invention, the first component comprises unguarded logic for lower security systems [applications accessed via web browser have lower security Col. 12, lines 4-61].

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As per claim 6, Holland et al teach the invention, remote data is downloaded form the server to the client based upon a remote data request [Col. 8, lines 58-67 and Col. 9, lines 1-14]

As per claim 7, Holland et al teach the invention, wherein the remote data request is an HTTP request [Col. 8, lines 58-67 and Col. 9, lines 1-25].

As per claim 8, Holland et al teach the invention, the remote data is processed locally on the client via local data requests directed at the mobile logic portion [col. 5, line 38-60; col. 6, lines 48-60 and col. 12, lines 17-61].

As per claim 9, Holland et al teach the invention, the remote data is provided by at least one of an XML and WML response [Col. 14, lines 15-24].

As per claim 10, Holland et al teach the invention, the remote data is communicated via at least one of the Internet, Intranet, or wireless networks [fig.2. Col. 8, lines 18-38].

As per claim 12, Holland et al teach the invention, further including a data tier operatively coupled to the guarded tier, the data tier including data employed in connection with executing the network-based application [Fig. 4a col.9, lines 26-51 and Col. 12, lines 17-61].

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As per claim 13, Holland et al teach the invention, the guarded tier includes logic for enabling the mobile tier to execute the network-based application [col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12, lines 17-61].

As per claim 14, Holland et al teach the architecture of claim 12, the presentation tier generates local requests to the mobile tier to manipulate data provided by the data tier [Col. 11, lines 12-34 and Col. 12, lines 17-61].

As per claim 15, Holland et al teach the invention, the mobile tier executes applications logic associated with the guarded tier to manipulate data provided by the data tier [Fig. 4a, Col. 8, lines 39-67 and Col. 9, lines 1-65].

As per claim 16, Holland et al teach the invention, herein the tier processes local data requests offline and generates remote requests to the guarded tier to at least one of transmit and receive data associated with the data tier based upon the offline local requests [col. 6, lines 22-47; Col. 11, lines 12-67 and Col. 12, lines 1-61].

As per claim 17, Holland et al teach a computer-readable medium having computer-executable instructions for providing the architecture of claim 16 [Col. 8, lines 38-55].

As per claim 18, Holland et al teach a system for processing networked-based applications, comprising:

means for interacting with a networked-based application at a client [col. 5, line 38-60 and col. 6, lines 48-60; Col. 9, lines 26-52]; and

means for executing at least a portion of the networked-based application at either the client end or a server based upon requests generated by the client [col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12, lines 17-45].

As to the limitation of means for determining a domain permission associated with the networked-base application [see the rejection on claim 1 and 11 above. see also col. 25, lines 4-55].

As per claim 19, Holland et al teach the system of claim 18, further comprising means for supplying remote data employed in connection with executing local data requests associated with the network-based application [col. 6, lines 22-47 and Col. 12, lines 17-45].

As per claim 20, Holland et al teach the system of claim 19, further comprising means for requesting the local data requests offline and generating remote requests to at least one of transmit and receive data associated with the remote data based upon the offline local requests [Col. 12, lines 17-61].

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As per claim 21, Holland et al teach a method for executing a network-based application, comprising:

executing at least a portion of a network-based application that is mapped to a local request on a client computer, the at least a portion of the network-based application comprising application and presentation logic loaded from portable local memory (Col. 8, lines 39-55) and a server [col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12, lines 17-45]; and

executing at least a portion of which is interchangeably processed by a server or the client without modification to the portion [col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12, lines 17-45].

5. Claim 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauvin et al (hereinafter ``Gauvin'') USPN. (5991760) in view of Susaki et al (hereinafter ``Susaki'') USPN (6327658).

As per claim 22, Gauvin et al teach a method that facilitates client-side computing, comprising:

transmitting a request for portions of an application associated with transaction [col. 5, 6-31 and col. 8, 20-28];

concurrently retrieving respective portions of the application from a local and a remote storage [col. 5, 6-31 and col. 8, 20-28]; and

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loading the portion of the application on a client [col. 5, 6-52]; and

executing the portions of application in connection with the transaction [col. 5, 6-52 and abstract].

Although Gauvin show substantial features of the claimed invention as explained above in claim 22, he does not explicitly show verifying portions of the application are portions of application retrieved from the local and the remote storage medium.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Gauvin, as evidenced by Susaki USPN. (6327658).

In analogous art, Susaki, whose invention is about a distributed object system and service supply, discloses a system for verifying portions of the application are the portions of application retrieved from the local (client) and the remote storage medium (remote server) [col. 9, lines 65 to col. 10, line 51]. Giving the teaching of Susaki, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Gauvin by employing the system of Susaki in order to ensure the integrity of an application program and to easily recognize when there is any tampering.

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As per claim 23, teach the method of claim 22, further comprising mapping the retrieved portions of application to the request [col.6, line 31 to col. 7, line 7 and col. 7, 31-67].

As per claim 24, Gauvin et al teach the method of claim 22, further comprising commencing execution of the transaction and associated portions of applications on the client while off-line and completing the transaction after re-connecting on-line [abstract; col. 5, 6-31; and col. 8, 30-50].

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauvin et al (hereinafter ``Gauvin'') USPN. (5991760) in view of Franco et al (hereinafter ``Franco'') USPN. (6687745).

As per claim 25, Gauvin et al teach a method that facilitates servicing a client request, comprising:

receiving a first request form a client for a first portion of an application that is not locally available to the client [col. 5, 6-31 and];

downloading the first portions of the application to the client [col. 5, lines 6-31 and col. 8, lines 20-28];

receiving a second request from the client to execute a second portion of the application at server to complete servicing the client request, wherein the request is satisfied by both the client and the server that are concurrently servicing respective

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portions of the request [col. 5, lines 6-31 and col. 8, lines 20-28; abstract];

Although Gauvin show substantial features of the claimed invention as explained above, he does not explicitly show where the application portions are secure.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Gauvin, as evidenced by Franco USPN. (6687745).

In analogous art, Franco, whose invention is about a system for delivering interactive links to applications and information stored in remote sources of a network, discloses a security system that grants (authorized users) access permission to portions of an application (secure droplet-enabled applications and/ or information) [col. 26, lines 38-65 and col. 27, lines 52 to col. 28, line 24]. Giving the teaching of Franco, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Gauvin by employing the system of Franco in order to secure data and applications residing on a network system so that only authorized users are allowed to access them.

Conclusion

7. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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